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Subject: AMRA ID SD issues

The 2015 Idaho suction dredge season began as another year with AMRA standing up to the EPA and their illegal schemes to ban suction dredging, but it soon became a fight with the USFS and yet another attempt by a government agency to ban suction dredging on the South Fork of the Clearwater in Idaho. Last year, AMRA went to Idaho and dredged for two weeks on their claim on the SF Clearwater in opposition to the EPA illegally demanding an NPDES Permit (pollution discharge permit) or face a \$37,500 per day fine. We were threatened with jail, fines of over a half a million dollars and typical government intimidation to stop something the EPA had no right to require. We responded with the law, the Supreme Court cases which show they do not have the authority to require this and we did not back down. We have not heard from the EPA since last year.

The simple truth about suction dredging is there is no requirement to obtain a "pollutant discharge permit" as suction dredges do not pollute. In fact, they clean the waterways of 98% of the mercury and nearly 100% of the lead and other heavy trash in the rivers. They create fish habitat by loosening the gravels fish love to live in, create deeper pools where small fish can hide and live in cooler waters more conducive to growth. Study after study has been completed, mostly with tax payer funds and have conclusively proven suction dredging is not deleterious to fish and fish habitat. But, as we all know, political ideology seems to trump common sense and factual science when dealing with those who oppose suction dredging and small miners in general. Albert Einstein coined the phrase "doing something over and over again expecting a different result is the definition of insanity". It is insanity to keep spending millions of tax payer dollars on studies which all show the same results expecting it to change to their ideology.

Suction dredging results in what is called "incidental fallback" and was a part of two Supreme Court cases, Tulloch and Tulloch II. This definition is best analogized by Supreme Court Justice Ruth Bader-Ginsberg and her "soup pot theory" which came from the South Florida Water Management District v Miccosukee Tribe of Indians, later cited in the Los Angeles County Flood Control District v Natural Resources Defense Council. Justice Ginsberg stated if you dip a ladle into a pot of soup, lift it up and pour it right back in, do you pollute? The answer is no, and this is why they ruled 9-0 in this case. Suction dredges do not pollute period, they move gravels, after cleaning them, to a new location about 20 feet way.

In order to understand the big picture, let's start from the beginning of dredge season on the South Fork of the Clearwater which runs from July 15th to August 15th. I was in Mariposa CA, just outside of Yosemite on July 14, the day prior to opening day in Idaho. I had hoped to be in Idaho, with my dredge in the water for opening day but I was testifying in opposition to a new ridiculous proposal by a leftist group of people (and one radical County Supervisor, who is also on the board of this environmental group) saying a private property owner in that county needs a special permit from them if someone wants to mine on their own private property. Yes, you heard that correctly. To mine on your own private property, they want you to apply for a special permit and "they" will decide if you can do that on your own property. This is in addition to all of the current regulations, permitting schemes and other industry destroying language and hoops that one already needs to obtain. That will be another article for another time. Immediately following the County meeting, I drove to Idaho, 23 hours and 900 miles. When I arrived on the South Fork, I was amazed to see about 20 miners already there and dredging on our AMRA claims and on their own claims which had not seen a dredge since the EPA started their intimidation tactics several years ago. Last year, there were three dredges in the water, all AMRA members and staff. Every one of the miners this year said they were there because AMRA showed them you can stand up to a tyrannical government and they wanted to support us.

We were prepared for the EPA if they showed up, but they never did during the entire season. I was running my 6" Proline which was necked down to a 5" since Idaho restricts the nozzle size to 5" on this river. On my dredge with me was my buddy Brandon Rinehart, the same Brandon Rinehart whose suction dredge case in California is now going to the CA Supreme Court. Brandon and I started in the center of the river in about 14" of water, just downstream from where I dredged last year, punched to bedrock about 5' down and opened up our hole. We started working our way to

the bank below the road and within 5 hours, hit the old river channel and started seeing gold in almost every bedrock crack. Clear water, shallow ground and great gold, all was going perfectly. As our hole was being enlarged, fish soon showed up and were feeding constantly from near our nozzle each time we stirred up some food and off the back of the dredge waiting for some tiny morsel to go through the sluice. Each morning, the dredge hole had no less than 50 fish loving the cool, deep hole and added cover where previously there was none.

We dredged for 6 straight days and filled a few bottles with gold when, on the 7th day, Brandon and I were underwater thinking about lunch and how we were going to move this huge boulder when we heard the “pahloop” sound of a rock being tossed in the water near us. We popped up and there were several of our mining buddies who were standing there all talking at the same time with fervor. We managed to ascertain the USFS was saying we were a fire hazard and had to shut down. What? Yes, that was what they were saying.

We came out of the water and read the notice handed to us. It was called the Hoot Owl restriction and the USFS LEO (Law Enforcement Officer) stated to us we had to shut our dredges down at 1pm in the afternoon because it was an “off road activity” and posed a fire hazard. Again.....what? How is a modern dredge, complete with the latest spark arresters situated 49’ out in the middle of a 112’ wide river a fire danger? Obviously we were dealing with an ideology and not any kind of common sense. The notice stated we could have a generator with the same type of engine in our camp sitting just 3’ from dry, flammable brush as long as the ground was cleared for three feet around it, but we couldn’t have what was essentially a jet boat out in a river after 1pm. The notice was also obviously written for the loggers, timber cutters and firewood folks, but the USFS decided this also applied to the small miners dredging in the middle of the river.

We immediately shut down and drove to the County seat in Grangeville Idaho and met with the County Commissioners and one in particular, Jim Chmelik, the County Commissioner who was on the bank of the river standing in support of AMRA last year along with Senator Sheryl Nuxoll of Idaho. We then called Senator Nuxoll, other Idaho Representatives and then had a sit down with the Sheriff’s Department. Sheriff Doug Giddings has long supported the miners and clearly understands the political ideology behind this push to shut down dredging. We spent 1 ½ hours with the Sheriff’s department and were informed that if we continued to have problems with the USFS, to call them. We provided them with copies of the 2810 USFS regulations relating to mining and the laws surrounding the USFS authority. We then went public on our social media and unleashed the AMRA members and supporters to call the USFS and voice their displeasure over this absurd hypocrisy. We left messages with the USFS Supervisor that if they were going to ban dredges, they would be required to ban all of the jet boat tours and commercial entities on the Salmon River as well. They apparently had not considered this. We even drove to the USFS main office in Grangeville, but nobody in an authority capacity would speak with us. After hours of calls, meetings and internet, we called the USFS back and managed to get someone to talk to us. He stated “this notice does not apply to suction dredges and we apologize for the confusion, now, would you please call off your dogs, my phone has been blowing up all morning”. This is what can be accomplished when people stand together against ideology, make phone calls and work together when they see something that is fundamentally wrong, like this issue. We had thought this would end the harassment of the miners so we went back to the river, informed all the miners what the outcome was, and after many high fives and whoops, we started dredging again the next morning.

Brandon and I jumped in the water first thing the next morning and were in some really good color when again we heard “pahloop”, and the sound of rocks trying to get our attention. We popped up and there were miners in their wetsuits standing there feverishly talking all at one time again. “What is it this time”? We were told there was a Geologist from the USFS named Clint Hughes shutting down all suction dredging on the river for not having a Plan of Operations (aptly named PoO) for suction dredging. Stunning was all that came to mind. Dave, the miner who Mr. Hughes first approached downstream told me Mr. Hughes told him when he stopped his dredge “you guys found a way around the fire restrictions, but this is how we are going to get you out of the water now”.

We came out of the water and drove back to camp 400 yards away. There was a USFS Geologist named Clint Hughes standing in front of his USFS Jeep Compass. We immediately fired up the video camera and I proceeded to ask Mr. Hughes what his background and training was. He was quite proud of stating he had a Master’s degree in Geology, he was the man who enforced all mining related activities on this river and clearly believed he was the smartest man on the river that day. I asked him what authority he had to require a PoO for suction dredging and he mumbled the 1897 law which formed the USFS. When pressed exactly what regulation or law he believed he had which would require us to obtain a PoO, he said the ESA, Endangered Species Act. He also stated this has been in place since 1990. I stated

“so, this has been around for 25 years according to you, but you are just now going to enforce it”? He answered “yes”. I informed Mr. Hughes that I was the owner of the mining claim he was standing on and as a real property owner, as determined by the Supreme Court, I would like him to call the Sheriff to represent me in this criminal matter. Mr. Hughes stated “this isn’t a criminal matter, it is a civil matter”. I asked Mr. Hughes if he was a Federal Agent of the USFS, he said yes. I stated you are here, enforcing a Federal regulatory issue in a Federal capacity and you are telling us it is a civil matter? He again answered yes. Obviously wherever Mr. Hughes obtained his Master’s degree, he didn’t learn the difference between civil and criminal matters. Again, I demanded he call the Sheriff’s department and he told me “I don’t know how to use the radio”. We can’t even make this stuff up folks, he really did say that. After getting him to confirm that he would not call the Sheriff, we sent one of the miners to Elk City and he called the Sheriff’s department who immediately dispatched the Under-Sheriff Jim Gorges, whom Mike and I met with the day prior and another deputy.

Mr. Hughes was obviously shaken by our interaction and we are quite confident he assumed we were all missing teeth, long haired, uneducated, backwoods miners who would immediately become submissive. That didn’t happen and Mr. Hughes left our camp for 45 minutes to gather himself. When he returned, the Under-Sheriff and his Deputy had just arrived. We briefed Under-Sheriff Gorges and his Deputy of what had transpired and Under-Sheriff Gorges told Mr. Hughes “these miners have come a long way to dredge their mining claims, they have valid Idaho dredge permits and I am sending them back into the water”.

We read in a local paper up there the Forest Service decided not to pursue the issue with the miners for the remainder of the season, but did state they are going to pursue the regulations to restrict the number of dredges which will be “allowed to dredge” next year on the South Fork of the Clearwater. We will see about that. Plans of Operations (PoO’s) are required if a “significant disturbance” will be created by the miner. It is also the miners’ responsibility to determine if this is going to happen. The miner is then to submit the PoO and then the District Ranger determines the needs of the PoO. We intend to open a dialogue with the USFS over this issue. This particular National Forest has not met the requirements put upon them to complete some studies which were required on the SF Clearwater, and to which they appear to have already received funds for.

Off and on for the next three days I was going to Grangeville to speak to our attorney, our good friends and allies at Western Mining Alliance, The New 49’ers and several other mining groups and individual miners, Senators, Congress, Congressional Committees in Washington DC and even the media. Because of the USFS, they materially interfered with my mining operation which cost me over 5 days out of the water. When you are averaging between ½ ounce to an ounce per day, it becomes costly. Brandon had to head home, but I continued to dredge and in the final days, pulled a nice amount which would not fit in small bottles any longer. For those of you who read AMRA’s article of our episodes from last year in Idaho, we did not hear any Sasquatches knocking on trees, but we had fun, got angry, smashed fingers and found some exceptional gold.

To show just how generous miners are, consider this story which also happened while we were in Idaho: A dear friend to the mining community who is in his 70’s and lives in Elk City had been remanded to his house because he did not have a vehicle. This man has spent 10’s of thousands of his own dollars, literally all of his money, fighting the EPA and DFG/DFW to be able to dredge his claims on the Red River, a tributary to the SF Clearwater. The miners on the river banded together, gathered up gold, money and sweat and purchased this man a truck for him to go to his claims, to get firewood for the winter and to give him his freedom back. We proudly gave Gay his keys right before we left. There wasn’t a dry eye that night. This is what miners do, we take care of our own.

Here are a few things to think about:

If suction dredging is so harmful, why aren’t all the fish dead in rivers where dredging has occurred for decades and decades?

Since the suction dredge moratorium in CA was enacted in 2009, mercury levels have risen because the miners are not allowed to remove it by dredging.

Why did the USFS in the 80’s and 90’s call gold clubs after large fires and ask them to “come and dredge so the fish will come back”?

How many more studies need to be completed in addition to the dozens already performed will it take for these people to admit we don’t harm fish or fish habitat?

Why is there not one single documented case, ever, of a suction dredger killing even one fish?

How many fish are killed by fishermen daily? We are not opposed to fishing, we are fishermen ourselves. Why is a company in California given over 6 million dollars of your tax money to dredge under the guise of removing mercury, when real suction dredgers, who create income for the state, counties and Federal Government are cited, arrested and are having their equipment confiscated?

Obviously, we could come up with a hundred more questions that defy logic such as these, but the answer is political ideology. Ideology so strong in some, that it literally becomes a religion to them. Science is to be ignored, facts and to be made fun of. Truth is what they say it is and nothing else should even be considered.

At what point do you, the reader of this article decide we have an out of control government? When there is nothing left of small mining? When the next generation can only get a one day permit to use a 6" pan and a cat pan scoop to dig with? Our current government is run by special interests and environmental groups who buy and sell politicians like used cars. America is supposed to be a Representative Republic where we elect politicians to "represent" us, not just groups who donate large sums of money to their re-election campaigns. We must all look at the NRA as the role model of true grass-roots movements to preserve rights. Think back a little while ago when the EPA was trying to ban lead bullets. What happened? The NRA launched a campaign and most of its members spoke out, loudly to the politicians in opposition and they killed that ridiculous proposal. We too must become a loud voice, so loud that it cannot be ignored. AMRA is leading that movement.

You can be a supporter of AMRA for just \$5.00 a month. You can become a member and gain access to our nearly 50 proven mining claims in 4 states (and growing rapidly) for your entire family for a year for a donation of just \$200. It is tax deductible as AMRA is a 501(c)(3) not-for-profit company. Join us, get in this fight and let us all work together to preserve this, our passion for the next generation.

AMRA is proud to have partnered with gold clubs, associations and retailers all across America. We held the first miners meeting in California, uniting to bring all miners, manufacturers, clubs and associations together and we are working on rolling out this unity meeting to Idaho, Washington and Oregon in the near future. AMRA also produces high-quality instructional and educational mining videos for the public, on prospecting, highbanking, dredging and other forms of mining. The video of this Idaho trip is on their YouTube page, including the full interaction with USFS Clint Hughes. AMRA can be contacted through their webpage listed below for questions or comments on mining, public land use or this article.

Web: <https://americanminingrights.com/>

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